

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY *AS* D.C.  
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THOMAS M. GOULD  
CLERK, U.S. DISTRICT COURT  
WD OF TENN. MEMPHIS

ELEANOR ROBIN BELL-FLOWERS,

Plaintiff,

v.

No. 04-3026 B

PROGRESSIVE INSURANCE COMPANY,

Defendant.

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ORDER TO SHOW CAUSE WHY MOTION OF DEFENDANT  
TO DISMISS SHOULD NOT BE GRANTED


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This lawsuit was brought by the pro se Plaintiff, Eleanor Robin Bell-Flowers, on December 17, 2004. On August 18, 2005, the Defendant, Progressive Casualty Insurance Company, moved for dismissal pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Rather than respond directly to the motion to dismiss, the Plaintiff filed a fill-in-the-blank "Cross-Motion for Summary Judgment" apparently addressing the Rule 12(b)(6) motion but specifically referring to a motion for summary judgment which the Defendant never filed. In an order entered October 3, 2005, the Court denied without prejudice the "cross-motion" to the extent the Plaintiff sought therein a partial summary judgment pursuant to Fed. R. Civ. P. 56. Accordingly, the Plaintiff is yet to respond to the Defendant's motion to dismiss. The Plaintiff is therefore ORDERED, within fifteen (15) days of the entry hereof, to show cause why the motion to dismiss should not be granted. Failure of the Plaintiff to respond in a timely manner to this order may result in the granting of the dispositive motion.

This document entered on the docket sheet in compliance  
with Rule 58 and/or 79(a) FRCP on 11-8-05

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IT IS SO ORDERED this 7<sup>th</sup> day of November, 2005.



J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 21 in case 2:04-CV-03026 was distributed by fax, mail, or direct printing on November 8, 2005 to the parties listed.

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Honorable J. Breen  
US DISTRICT COURT